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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,923	07/10/2001	Paul S. Enfield	P113836	9260
22931	7590	03/10/2006	EXAMINER	
HUGHES LAW FIRM, PLLC PACIFIC MERIDIAN PLAZA, SUITE 302 4164 MERIDIAN STREET BELLINGHAM, WA 98226-5583			FISCHETTI, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,923

Applicant(s)

ENFIELD, PAUL S.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 10-12 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ramey.

Ramey discloses a system to facilitate consumer shopping in a store related product categories with the products in each primary location related category being in a related primary location area of the shopping area (areas 16-24); products in each primary location related category which are in turn classified in a plurality of secondary location related categories (see, fig 4 secondary location for particular moldings), with the products in each secondary location related category being in a related secondary location area (see, id); products in at least some of said secondary location related categories being in subcategories of a related one of the secondary location related categories (corner moldings are subcategory of solid oak molding); said shopping area having a plurality of consumer access regions (aisles) between the which are proximate to the products in the shopping area and through which customers are able to pass in making product selections from adjacent products which are adjacent to that access region, each of said access regions being characterized in that the adjacent products are classified in one or more of said secondary categories and/or subcategories (see

Fig. 5 aisles are adjacent the rack on which adjacent products e.g. moldings which as set forth above is a secondary category) ;

a. a plurality of display signs, each of which is located at a related access region for viewing by customers at or proximate to that related access region (signs C are located at the aisle entrance), each of said display signs having at least one graphic product representation of a product which is one of said adjacent products and is representative of products in its related secondary location related product category or subcategory at its related access region (see detailed view of sign C shown in Fig 4 which has a graphic of the particular molding of the secondary locations products); b. said display signs being positioned in a substantial shopping area portion of the shopping area and located at a substantial number of access regions in said substantial area portion (location of sign C in Fig. 5 at the head of aisle is reads as "in a substantial shopping area"), such that a customer passing through the access regions in said store shopping area portion is able to associate said graphic product representations as representative of products in a subcategory and/or a secondary location related product category of the product or products of the graphic product representations, and thus identify primary, secondary and/or subcategory location in the shopping area portions as a guide to seeking products in the substantial shopping area portion where the graphic product representations are present (sign C results in a guide to the customer of products in the identify primary, secondary and/or subcategory products).

The newly added language of primary locations having a substantial portion of products categories being brands names with attendant packaging is deemed to be met

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by Ramey by the tradedress which is inherent, for example, to one of the molding patterns shown in Fig. C. such that that pattern is representative of a greater number products e.g. other molding patterns which have not risen to brand name recognition but which are still commonly located. Tradedress/design is registrable with the U.S. Patent and Trademark office.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramey in view of Begum et al. or EDGAR ON LINE

Ramey discloses a system to facilitate consumer shopping in a store related product categories with the products in each primary location related category being in a related primary location area of the shopping area (perimeter of areas 16-24); products in each primary location related category which are in turn classified in a plurality of secondary location related categories (see, fig 4 secondary location for particular moldings), with the products in each secondary location related category being in a related secondary location area (see, id); products in at least some of said secondary location related categories being in subcategories of a related one of the secondary location related

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categories (corner moldings are subcategory of solid oak molding); said shopping area having a plurality of consumer access regions (aisles) between the which are proximate to the products in the shopping area and through which customers are able to pass in making product selections from adjacent products which are adjacent to that access region, each of said access regions being characterized in that the adjacent products are classified in one or more of said secondary categories and/or subcategories (see Fig. 5 aisles are adjacent the rack on which adjacent products e.g. moldings which as set forth above is a secondary category) ;

a. a plurality of display signs, each of which is located at a related access region for viewing by customers at or proximate to that related access region (signs C are located at the aisle entrance), each of said display signs having at least one graphic product representation of a product which is one of said adjacent products and is representative of products in its related secondary location related product category or subcategory at its related access region (see detailed view of sign C shown in Fig 4 which has a graphic of the particular molding of the secondary locations products); b. said display signs being positioned in a substantial shopping area portion of the shopping area and located at a substantial number of access regions in said substantial area portion (location of sign C in Fig. 5 at the head of aisle is reads as "in a substantial shopping area"), such that a customer passing through the access regions in said store shopping area portion is able to associate said graphic product representations as representative of products in a subcategory and/or a secondary location related product category of the product or products of the graphic product representations, and thus identify primary,

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secondary and/or subcategory location in the shopping area portions as a guide to seeking products in the substantial shopping area portion where the graphic product representations are present (sign C results in a guide to the customer of products in the identify primary, secondary and/or subcategory products).

However, in Ramey the sign C does not depict items by brand names and/or package designs nor is there an application of the arrangement to a grocery/food store.

However, Begum et al. do disclose such a display in a grocery store wherein a product graphic is depicted in a sign by using its brand name i.e., ACME, and with its associated packaging - water pitcher with orange and leaf design packaging/logo. It would be obvious to modify the arrangement of Ramsey to use brand name and packing graphics as graphics because often consumer recognition will be greater with respect to the goodwill connected with the product than with the recognition associated with the generic product names. The newly added language of primary locations having a substantial portion of products categories being brands names with attendant packaging is deemed to be met by Ramey by whatever the items are presented in primary locations perimeter of sections 16-24 because one consumer's idea of what a brand name is not the another's, and without some sort of objective way of quantifying this alleged feature, Ramey is deemed to have met the claim. Official notice is taken of the old practice of placing like products with each other, e.g. all orange juice together.

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Alternatively, Edgar Online discloses an area (The Shoppes) in a supermarket which is identified by brand recognition which is representative of a greater number of other products (mix of products se page 2/12) associated by location with the brand name. It would be obvious to modify Ramey to include product location by brand name recognition the motivation will be the ease of associating products with each other.

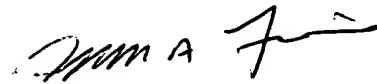
RE claims 13/14: Begum et al. disclose graphic product representations displayed in addition to the text (see above).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramey in view of Begum et al. as applied to claims 1-5, 9, 14 above, and further in view of Myers. The aforesaid combination fails to discuss a store directory which is visible to customers in the shopping area. But Myers does disclose such a directory, and uses a store directory Fig 3 with a listing of products and the location of these products in the store. It would be obvious to modify the code system of Myers with the brand name and logo reference signage of Begum et al. such that said store directory lists identifying names of products, with each identifying name of the product also having a graphic product representation substantially displaying packaging of a brand name product which is within the scope of the product listed in the directory. The motivation would be a quick glance finder of products. Official Notice is however taken to the old use of a directory to locate items in a store/mall etc.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (571) 272 6780.

A handwritten signature in black ink, appearing to read "Joe A. Fischetti".

JOSEPH A. FISCHETTI
PRIMARY EXAMINER